



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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**MAR 13 2009**

Ref: EPR-N

Mr. Lee Potter  
Federal Highway Administration  
2617 East Lincoln Way  
Suite D  
Cheyenne, WY 82001-5662

Dear Mr. Potter:

Subject: US Highway 26/89/189/191 Draft EIS  
CEQ# 20090008 [FHWA-DEIS-08-01]

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) 42 U.S.C. Section 4231 et seq., and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609, the U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the US Highway 26/89/189/191 Draft Environmental Impact Statement (DEIS).

The Jackson South DEIS evaluates impacts from proposed improvements to U.S. Highway 26/89/189/191 in the segment south of the Town of Jackson from milepost (MP) 148.6 to MP 141.4. The project serves as an important link in the regional transportation system for Teton County. The highway improvements would provide improved highway design, meet vehicular travel demand, improve traffic safety, be consistent with local land use planning, and include alternative non-motorized transportation modes.

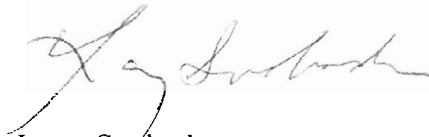
The DEIS analyzes two 'Build' alternatives that examine the five-lane rural alternative design and a combination alternative design derived from the primary and secondary screening process. The 5-Lane alternative is designed to meet access requirements and accommodate left-hand turns. The Combination alternative includes short sections of 3-lane rural road design and 4-lane undivided cross-sections, in conjunction with the 5-Lane alternative segment. The 'No-Action' alternative includes standard maintenance activities and approved seismic retrofits to bridges over Flat Creek and the Snake River; this alternative requires no new decision from WYDOT.

EPA has reviewed the DEIS and has few concerns. The document correctly identifies Flat Creek as an impaired waterbody listed by the Wyoming Department of Environmental Quality (WYDEQ). Flat Creek is primarily impaired by stormwater flows from the Town of Jackson. The proposed Jackson South highway improvement will add to that impairment; however it is probably only a fraction of the impacts already received from other past and current land uses. The Final EIS should mention that when WYDEQ proposes a TMDL for Flat Creek, maintenance requirements on the new highway improvements will need to support the waste load reductions to be allocated to stormwater flow off the highway and into Flat Creek.

Pursuant to EPA policy and guidance, EPA rates the environmental impact of this action and the adequacy of the NEPA analysis. EPA has rated the action alternatives and options as "EC-1" (Environmental Concerns-Adequate). The "EC" component for the rating means that impacts have been identified and can be avoided to fully protect the environment. The "-1" component of the rating means that no further analysis or data collection is recommended, although clarifying language or explanatory information may be needed. An explanation of the composite rating criteria is enclosed.

EPA appreciates the opportunity to review this project. We also acknowledge the operational art involved in designing such highway improvements in a manner that meets the purpose and need while mitigating environmental impacts. If you have any questions about our comments and would like to discuss them further, please contact me at (303) 312-6004 or James Hanley of my staff at (303) 312-6725.

Sincerely,

A handwritten signature in dark ink, appearing to read "Larry Svoboda", written over a light gray rectangular background.

Larry Svoboda  
Director, NEPA Program  
Ecosystems Protection and Remediation



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